

REMARKS

Error

Claims 1-19 contains excess limitations not necessary for patentability. For example, the claim contains excess limitations not necessary for distinguishing over the prior art. Also, the claim fails to cover embodiments of the invention as claimed in the above-identified reissue application. The error arose during the drafting of the original application and during subsequent amendments in connection with the prosecution of the original application which resulted in the issuance of the patent. Applicants' attorneys thought that only certain claims should be pursued based on what is now believed to be a misunderstanding of the area of the law pertaining to implied licenses and patent exhaustion, and thus limited the claims as indicated above. The error arose without any deceptive intention on the part of the inventors.

Status of Claims under 37 CFR 1.173c

Claims 1-19 stand as issued claims and remain in their unamended state.

Claims 20- 52 are newly presented claims for examination.

Explanation of support under 37 CFR 1.173c

Support for applicants' newly presented claims is readily found in the patent specification, by way of example, in column 2, line 55 - column 6 line 20, figures 1 through 9, and in claims 1-19 as originally issued.

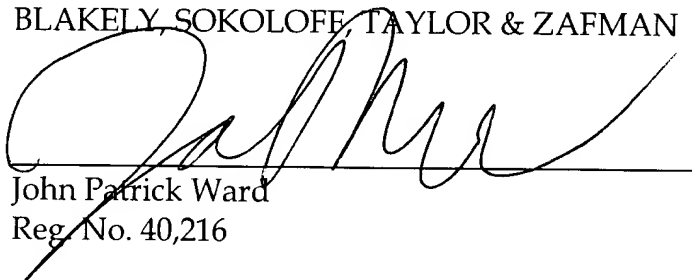
Conclusion

Applicants respectfully submit that these new claims do not add new matter and that all claims now pending are in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

A handwritten signature in dark ink, appearing to read 'John Patrick Ward', is written over a horizontal line. The signature is fluid and cursive.

Date: October 11, 2001

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